

## REMARKS

### 1. Introduction

In the Office Action mailed June 26, 2007, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Szabo, U.S. Patent No. 5,966,126 (“Szabo”).

The Examiner rejected claims 2, 3, 6, and 7 under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of Mastronardi, U.S. Patent No. 6,346,951 (“Mastronardi”).

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of Proehl et al., U.S. Patent No. 6,118,450 (“Proehl”).

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of Teng et al., U.S. Patent No. 5,930,473 (“Teng”).

The Examiner rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of Wehmeyer, U.S. Patent No. 6,031,795 (“Wehmeyer”).

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of Wehmeyer, and further in view of Sampson, U.S. Patent No. 5,390,113 (“Sampson”).

The Examiner rejected claims 11-13 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of Wehmeyer, Matronardi, and Sampson.

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of Wehmeyer, Matronardi, Sampson, and further in view of Proehl.

The Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Szabo in view of Wehmeyer, Matronardi, Sampson, and further in view of Teng.

The Examiner objected to claims 13 and 17 under 37 C.F.R. § 1.75 as being substantial duplicates of claims 3 and 7. The Examiner also objected to claims 18 and 19 based on informality.

In response, Applicants have amended claims 1, 11, 13, 17, and 18. Claims 20-29 have been withdrawn from consideration. Thus, claims 1-19 are currently under examination.

For the reasons set forth below, Applicants request reconsideration and allowance of the claims, as amended herein.

## **2. Response to Claim Objections**

The Examiner objected to claims 13 and 17 as being substantial duplicates of claims 3 and 7. In response, Applicants have amended claims 13 and 17 so that they are dependent on claim 11. Accordingly, Applicants submit that claims 13 and 17 now cover different subject matter than claims 3 and 7, which are dependent on claim 1.

The Examiner objected to claims 18 and 19 based on an informality, stating that the recitation of “sparse map” in claim 18 lacked sufficient antecedent basis. The Examiner suggested that claim 18 should be dependent on claim 11 rather than on claim 1. In response, Applicants have amended claim 18 so that it is dependent on claim 11.

## **3. Response to Claim Rejections**

### **a. Claims 1-10**

Of these claims, claim 1 is independent. The Examiner has rejected claim 1 under § 102(b) as being anticipated by Szabo. In response, Applicants submit that (i) the

Examiner has misread Szabo and (ii) the present amendments to claim 1 clearly distinguish over Szabo. These two points are discussed separately below.

**1) The Examiner has misread Szabo**

Claim 1 recites, *inter alia*, “[a] method for accessing information from an overall collection of metadata records, wherein the overall collection includes a local database of metadata records and a remote database of metadata records.” The Examiner has cited Szabo as if Szabo disclosed an overall collection of metadata records that includes both a local database of metadata records and a remote database of metadata records. Applicants submit, however, that Szabo provides no such disclosure.

Instead, Szabo discloses as one example “a system with a local or easily accessible database” (col. 6, lines 46-47) and another example in which “the database is remote, difficult or expensive to access” (col. 6, lines 50-51). Szabo does not mention an example that has **both** a local database **and** a remote database. Thus, Szabo does not disclose an overall collection of metadata records that includes **both** a local database of metadata records **and** a remote database of metadata records, as recited in claim 1.

Because Szabo does not disclose an overall collection of metadata records that includes both a local database of metadata records and a remote database of metadata records, Szabo also fails to disclose a method that uses both a “local database” and a “remote database,” such as recited in claim 1. For example, claim 1 recites “merging the remote set and the local set to produce a merged set,” wherein the “remote set” refers to metadata records from the remote database and the “local set” refers to metadata records from the local database. Since Szabo does not disclose an overall collection of metadata records in both a remote database and a local database, it follows that Szabo also does not

disclose merging a remote set of metadata records from a remote database and a local set a metadata records from a local database.

In this regard, the Examiner has alleged that Szabo discloses “merging the remote set and the local set to produce a merged set” at col. 7, lines 43-67. However, what this section actually discloses is the ability to merge “primary” and “higher order” sets. *See* col. 7, lines 65-67. The “higher order” sets are secondary (or tertiary, etc.) data sets resulting from a set operation performed on the primary data set. *See* col. 7, lines 55-64. Thus, this discussion in Szabo refers to merging a primary data set with higher order data sets that are generated *from* the primary data set, not merging a remote set from a remote database with a local set from a local database.

Thus, Applicants respectfully submit that the Examiner has misread Szabo. Applicants further submit that when Szabo is properly understood, Szabo fails to disclose each and every element of claim 1, as would be required for a proper anticipation rejection.

**2) The present amendments to claim 1 clearly distinguish over Szabo**

Although Applicants submit that Szabo does not disclose each and every element recited in claim 1, in the interest of expediting prosecution, Applicants have amended claim 1 to clarify the recited method. In particular, Applicants have amended claim 1 to recite “identifying at least one selection criterion for selecting  $N$  metadata records from the overall collection” and to recite “a merged set of  $N$  metadata records that satisfy the at least one selection criterion.” Support for these amendments may be found in Applicants’ specification at page 21, line 21 – page 22, line 17 and page 26, lines 1-4.

Applicants submit that these amendments clearly distinguish over Szabo, as set forth below.

The Examiner has cited to col. 6, lines 40-54 of Szabo as allegedly disclosing identifying at least one selection criterion for selecting metadata records. The Examiner appears to be referring to the statement in Szabo that “the selective criterion may be defined by the user or suggested to the user by the interface.” *See* col. 6, lines 52-54. However, amended claim 1 recites “at least one selection criterion for selecting *N* metadata records.” Szabo does not state that the selective criterion selects a specified number of metadata records, i.e., *N* metadata records.

In addition, amended claim 1 recites that the remote set and local set are merged to produce a merged set of this specified number of metadata records, i.e., a merged set of *N* metadata records. In contrast, the discussion of merging data sets cited by the Examiner (col. 7, lines 43-67) does not state that the merged data set has a number of metadata records that are specified by the “selective criterion.”

Accordingly, Applicants submit that claim 1, as amended, is allowable over Szabo for at least the foregoing reasons. Applicants further submit that claims 2-10 are allowable for at least the reason that the claims are dependent on an allowable claim.

**b. Claims 11-19**

Of these claims, claim 11 is independent. The Examiner has rejected claim 11 under § 103(a) as being unpatentable over Szabo, in view of Wehmeyer, Mastronardi, and Sampson. In response, Applicants submit that (i) the Examiner has misread Szabo and (ii) the present amendment to claim 11 clearly distinguishes over the cited combination of references. These two points are discussed separately below.

**1) The Examiner has misread Szabo**

As an initial matter, Applicants submit that the Examiner's rejection of claim 11 is flawed because the Examiner has cited Szabo as allegedly disclosing "the overall collection including a local database of metadata records and a remote database of metadata records." As discussed above for claim 1, Szabo does not disclose an overall collection of metadata records that includes *both* a local database of metadata records *and* a remote database of metadata records.

In addition, the Examiner has cited Szabo as allegedly disclosing "merging the remote set and the local set to produce a merged set of metadata records." As discussed above for claim 1, because Szabo does not disclose an overall collection of metadata records that includes both a local database and a remote database, Szabo also does not disclose merging a remote set of metadata records from a remote database with a local set of metadata records from a local database.

**2) The amendment to claim 11 clearly distinguishes over the Szabo/Wemeyer/Matronardi/Sampson combination**

Although Applicants submit that the Examiner has misread Szabo, in the interest of expediting prosecution, Applicants have amended claim 11 to recite "a merged set of *N* metadata records." This amendment is supported by Applicants' specification at page 26, lines 1-4. Applicants submit that this amendment clearly distinguishes over the cited combination of references, as set forth below.

The Examiner has cited to the same section of Mastronardi, col. 2, lines 26-32, as allegedly disclosing the elements of: "the user interface requesting a specified range of *N* collection record numbers;" "identifying a remote set of metadata records in the

candidate set that have collection record numbers in the specified range;” and “identifying a local set of metadata records in the local database that have collection record numbers in the specified range.”

In fact, this section of Mastronardi refers to “searching *the* database of the system” (emphasis added), not to searching two different databases such as a remote database and a local database. Thus, the Examiner is actually citing Mastronardi for two different searches, one search in which “*the* database” is a “local database” and one search in which “*the* database” is a “remote database.” Since each search in the Examiner’s rationale is for a specified range of  $N$  metadata records, the two searches would result in a “local set” of  $N$  metadata records and a “remote set” of  $N$  metadata records. When the “local set” and “remote set” are merged, the merged set would then have  $2N$  metadata records in the Examiner’s rationale. However, Applicants have amended claim 11 to recite a merged set of  $N$  metadata records. In this way, Applicants’ amendment of claim 11 clearly distinguishes over the combination of Szabo, Wehmeyer, Mastronardi, and Sampson.

Accordingly, Applicants submit that claim 11, as amended, is clearly allowable over Szabo, Wehmeyer, Mastronardi, and Sampson. Applicants further submit that claims 12-19 are allowable for at least the reason that they are dependent on an allowable claim.

#### **4. Conclusion**

Applicants submit that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog

would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

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